

House Bill 686 (AS PASSED HOUSE AND SENATE)

By: Representative Rynders of the 152<sup>nd</sup> and Harden of the 147<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Worth County and to provide for its  
2 powers and duties; to provide for definitions; to provide for the composition of the board and  
3 the selection and appointment of members; to provide for the qualification, terms, and  
4 removal of members; to provide for oaths and privileges; to provide for meetings,  
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for  
6 the transfer of functions to the newly created board; to provide for certain expenditures of  
7 public funds; to provide for compensation of members of the board and personnel; to provide  
8 for offices and equipment; to provide for the board's performance of certain functions; to  
9 provide for related matters; to provide for submission under Section 5 of the federal Voting  
10 Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and  
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
15 Board of Elections and Registration of Worth County, hereinafter referred to as "the board."  
16 The board shall have the powers, duties, and responsibilities of the superintendent of  
17 elections of Worth County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
18 Election Code," currently being exercised by the judge of the Probate Court of Worth  
19 County, and the powers, duties, and responsibilities of the Board of Registrars of Worth  
20 County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

21 **SECTION 2.**

22 The terms "election," "elector," "political party," "primary," and "public office" shall have  
23 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
24 Election Code," unless otherwise clearly apparent from the text of this Act; and the term

25 "commissioners" means the Board of Commissioners of Worth County, and "county" means  
26 Worth County.

27 **SECTION 3.**

28 (a) The board shall be composed of a chairperson and four members who shall be appointed  
29 as provided in this section.

30 (b) Three members of the board shall be selected by the governing authority of Worth  
31 County, one of whom shall serve as chairperson of the board who shall serve as such during  
32 his or her term of office.

33 (c) One member of the board shall be appointed by the political party which received the  
34 highest number of votes within the county for its candidate for Governor in the general  
35 election immediately preceding the appointment of such member. One member of the board  
36 shall be appointed by the political party which received the second highest number of votes  
37 within the county for its candidate for Governor in the general election immediately  
38 preceding the appointment of such member. Each of these respective members appointed  
39 by the political parties shall be nominated by the party chairperson and ratified by the county  
40 executive committee of the respective political party at least 30 days before the beginning  
41 of the terms of office or within 30 days after the creation of a vacancy in the office. In the  
42 event that a political party entitled to appoint a member of the board does not have a county  
43 executive committee, such appointment shall be made by the state executive committee of  
44 such political party. Should either political party fail to make its appointment then the other  
45 appointed members of the board shall be authorized to conduct the business of the board.

46 (d)(1) The initial members of the board shall be appointed no later than June 1, 2009.

47 (2)(A) The initial members appointed by the governing authority shall take office on  
48 July 1, 2009.

49 (B) One of the initial members shall be designated to serve a term of office of two  
50 years and until his or her respective successor is appointed and qualified. A successor  
51 to such member shall be appointed not later than 30 days prior to the expiration of such  
52 member's term of office to take office on July 1, 2011, and every four years thereafter  
53 for a term of four years and until his or her respective successor is appointed and  
54 qualified.

55 (C) The remaining two initial members shall be designated to serve a term of office of  
56 four years and until their respective successors are appointed and qualified. Successors  
57 to such members shall be appointed not later than 30 days prior to the expiration of  
58 such members' term of office to take office on July 1, 2013, and every four years  
59 thereafter for a term of four years and until their respective successors are appointed  
60 and qualified.

(3) The initial members appointed by the political parties shall take office on July 1, 2009, and serve an initial term of two years which shall expire on June 30, 2011, and until their respective successors are appointed and qualified. Successors to such members shall be appointed not later than 30 days prior to the expiration of such members' term of office to take office on July 1, 2011, and every four years thereafter for a term of four years and until their respective successors are appointed and qualified.

(4) Successors to the initial members shall be appointed and certified in the same manner as the initial members of the board.

#### **SECTION 4.**

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Worth County and must have been registered voters in Worth County for a period of at least one year prior to the date of their appointment to the board.

#### **SECTION 5.**

The governing authority of Worth County shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date upon which each member is to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

#### **SECTION 6.**

Each member of the board shall be eligible to serve two full four-year terms of office, shall have the right to resign at any time by giving written notice of such resignation to the governing authority of Worth County and to the clerk of the superior court and shall be subject to removal from the board by the governing authority of Worth County at any time, for cause, after notice and hearing.

**SECTION 7.**

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the appointing authority that made the original appointment of such member shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

**SECTION 8.**

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

**SECTION 9.**

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. Any specially called meeting shall be called by the chairperson or any two members of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

**SECTION 10.**

The board shall have the authority to contract with any municipality located within Worth County for the holding by the board of any primary or election to be conducted within such municipality.

**SECTION 11.**

(a) The governing authority of Worth County shall be authorized to appoint an elections supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The elections supervisor shall not be a member of the board or an elected official. The elections supervisor shall be

considered an employee of Worth County and shall be entitled to the same benefits as other employees of Worth County.

(b) The governing authority of Worth County shall be authorized to employ additional clerical assistants as needed to carry out the duties and functions of the board. All such clerical assistants shall be considered to be employees of Worth County and shall be entitled to the same benefits as other employees of Worth County.

#### **SECTION 12.**

Compensation for the members of the board, elections supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Worth County. Such compensation shall be paid wholly from county funds.

#### **SECTION 13.**

The governing authority of Worth County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the governing authority of Worth County deems appropriate.

#### **SECTION 14.**

The board of commissioners of Worth County shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

#### **SECTION 15.**

This Act shall become effective on its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2009. Upon this Act becoming fully effective, the judge of the Probate Court of Worth County and the Board of Registrars of Worth County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties. On such date, the Board of Registrars of Worth County shall be abolished.

#### **SECTION 16.**

All laws and parts of laws in conflict with this Act are repealed.